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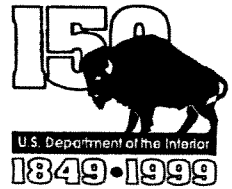
FISH AND WILDLIFE SERVICE

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December 18, 2000



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COE-PANAMA CITY

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
Panama City Regulatory Field Office
475 Harrison Avenue, Suite 202
Panama City, Florida 32401

Attn: Don Hambrick

Re: FWS Log No. 4-P-97-108
Amendment No. 4 to Biological Opinion
Panama City Beach Nourishment
199701891 (IP-DH)
Bay County, Florida

Dear Colonel May:

This letter constitutes amendment no. 4 to the April 8, 1999, biological opinion on the offshore dredging and beach nourishment of Gulf of Mexico beaches in Bay County, Florida (permit 199701891 (IP-DH) and modifications). The Fish and Wildlife Service (Service) received your letter dated December 12, 2000, requesting reinitiation of consultation related to modification of the subject permit based on the applicant's request for relief on the tilling requirement. The applicant has requested that the tilling depth requirement of 36 inches (91 cm) be reduced to 24 inches (61 cm) because of the species of sea turtle that nests on Panama City Beach. Only the loggerhead sea turtle has been documented to nest on beaches at Panama City Beach and their nests are typically more shallow than 24 inches (61 cm). A Beach Tilling and Compaction Study as proposed by the applicant was required as part of the previous permit modification. The study was to compare beach compaction when nourished beach sediments characteristics are different than the native beach sediments. Results of this study were to be used to determine the need for tilling the nourished beach in year three (2001) as required by the permit. Tilling is required to minimize impacts to sea turtles from sand compaction resulting from the beach nourishment. Compaction affects adult turtles attempting to nest, hatchling turtles emerging from the nest, and the nest environment.

The results of the Study have not been received and should be submitted to the involved agencies as soon as possible, but no later than January 15, 2001, as indicated below in the Terms and Conditions. Regardless of the Study results, we would not anticipate that the requested modification to the project would exceed the level of incidental take that would occur from the original and previously modified project. However, to address the modifications, Terms and Conditions 5 of our April 10, 2000, amendment no. 3 to the original biological opinion dated April 8, 1998, will change. (Terms and Conditions 1, 4, and 5 were changed in amendment nos. 1 and 2; Terms and Conditions 5 was changed again in amendment no. 3). All other Terms and Conditions and Reasonable and Prudent Measures remain in effect for the subject modification. The changes are underlined and the deletions are struck out.

Terms and Conditions

5. Immediately after completion of the beach nourishment project and prior to March 15, for 3 subsequent years, sand compaction shall be monitored in the area of beach nourishment in accordance with a protocol agreed to by the Service, the State regulatory agency, and the applicant. At a minimum, the protocol provided under a. and b. below shall be followed. If tilling is required, ~~the area shall be tilled to a depth of 36 inches (91 cm). Regardless of the compaction readings in the color remediation zones at Laguna Beach, Sandpiper Beacon Motel, and Ramsgate Condominiums, tilling to only a depth of 24 inches (61 cm) in these zones shall be required for the year 2000 2001. Tilling shall begin at the western end of the project area in the year 2000. All tilling activity must be completed prior to May 15, 2000. In 2001 t~~ The completion date for all tilling shall be April 15, 2001. Regardless of the compaction readings Between R-35 and R-71, no tilling or compaction measurements except for those identified in the Beach Tilling and Compaction Study shall be required in this area for the year 2000. In 2001, the tilling protocol shall revert to a. and b. below and the tilling depth shall revert to 36 inches (91 cm). A report on the results of compaction monitoring shall be submitted to the Service prior to any tilling actions being taken. An annual summary of compaction surveys and the actions taken shall be submitted to the Service. This condition shall be evaluated annually and may be modified, if necessary, to address sand compaction problems identified during the previous year. However, the option to conduct tilling without first taking compaction measurements to determine if tilling would be required is authorized. Tilling may be conducted without taking compaction measurements to determine if tilling would be required.

- a. Compaction sampling stations shall be located at 500-foot (152-m) intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area) and one station shall be midway between the dune line and the high water line (normal wrack line).

At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches (15.2, 30.5, and 45.7 cm) three times (three replicates). Material may be removed from the hole, if necessary, to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lay over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole

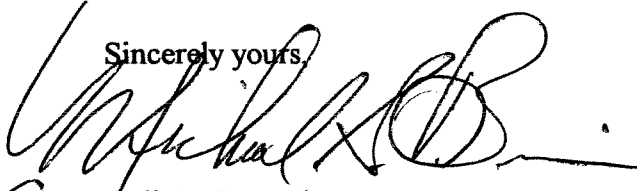
and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.

b. If the average value for any depth exceeds 500 psi (35 kg/cm²) for any two or more adjacent stations, then that area shall be tilled prior to April 15. If values exceeding 500 psi (35 kg/cm²) are distributed throughout the project area, but in no case do those values exist at two adjacent stations at the same depth, then consultation with the Fish and Wildlife Service shall be required to determine if tilling is required. If a few values exceeding 500 psi (35 kg/cm²) are randomly present within the project area, tilling shall not be required.

c. In lieu of the compaction sampling protocol in 5(a) above, a Beach Tilling and Compaction Study shall be conducted as outlined in the March 23, 2000, Test Plan submitted by the applicant's consultant, Coastal Planning & Engineering, Inc. (CP&E). The study shall be completed within the year 2000 and delivered to the Florida Department of Environmental Protection, COE, Florida Fish and Wildlife Conservation Commission, and the Service by ~~October 15, 2000; January 15, 2001.~~ so that results of the study can be reviewed and a determination made by January 15, 2001, as to whether tilling the beaches would be required in the year 2001.

If you have any questions, please contact Lorna Patrick of this office at ext. 229.

Sincerely yours,



(GAC) Gail A. Carmody
Project Leader

cc:

FWS, JAFL, (McPherson)

FWC, Bureau of Protected Species Mgmt., Tallahassee, FL (Trindell)

FDEP, Beaches and Coastal Systems, Tallahassee, FL (Brantley)

RMA, Panama City, FL (Watson)